

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

US FOODS, INC., a Delaware corporation,)
)
)
Plaintiff,)
)
vs.) Case No. 1:23-cv-4790
)
BOSTON MARKET CORPORATION, a) Hon. Manish S. Shah
Delaware corporation, ENGAGE BRANDS,)
LLC, a Delaware limited liability company,
and JIGNESH N. PANDYA, IV, an)
individual,)
)
Defendants.)

JOINT STATUS REPORT

Pursuant to this Court's order dated November 15, 2023 [ECF No. 21], Plaintiff US Foods, Inc. and Defendants Boston Market Corporation, Engage Brands, LLC, and Jignesh N. Pandya, IV respectfully submit this Joint Status Report.

The parties incorporate by reference the identification of counsel and description of its claims set forth in US Foods, Inc.'s initial status report filed on October 16, 2023. (ECF No. 15.)

I. Pending Motions and Case Plan

A. Identify all pending motions.

There are three motions currently pending before the Court: (1) Plaintiff's motion for default and default judgment (ECF No. 17), which is fully briefed and under advisement; (2) Mr. Mester's motion for leave to appear *pro hac vice* (ECF No. 32); and (3) Plaintiff's motion to strike Defendants' affirmative defenses (ECF No. 34), which the Court indicated will be considered after the Court resolves the motion for default judgment.

B. Current Discovery Deadlines and Status.

On October 17, 2023, the Court entered an order directing that all fact discovery must be noticed in time for completion by March 1, 2024 and indicating the Court would set dispositive motion deadlines at a later date. The parties do not anticipate that expert discovery will be necessary in this case.

US Foods has issued two sets of document requests and interrogatories on Defendants – the first on November 17, 2023 and the second on December 28, 2023. Defendants have served written responses to the first set of discovery requests, but have not produced any documents to date. On January 11, 2024, Defendants Boston Market and Engage Brands served their First Request for Production of Documents and Written Interrogatories (First Set) Addressed to Plaintiff. The parties have agreed on the form of an Agreed Confidentiality Order that will be used in connection with their document productions, and the parties will be submitting that order to the Court for its approval contemporaneously with this report.

On December 8, 2023, Defendant Pandya filed a voluntary petition for chapter 11 bankruptcy in the U.S. Bankruptcy Court for the Eastern District of Pennsylvania. Defendant Pandya's bankruptcy case was dismissed by motion of the U.S. Trustee, with Pandya's consent, by order dated January 11, 2024.

No depositions have yet been noticed as no documents have yet been exchanged.

II. Trial

A. Have any of the parties demanded a jury trial?

No.

B. Probable length of trial.

The parties estimate three to five trial days.

III. Consent to Proceed Before a Magistrate Judge

The parties do not consent unanimously to proceed before a Magistrate Judge.

IV. Status of Settlement Discussions

No settlement discussions have taken place since the filing of this action. The parties do not request a settlement conference at this time.

Dated: January 12, 2024

US FOODS, INC.

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**Pro hac vice application pending*
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